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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/406,697	09/28/1999	SATOSHI ISHIGURO	35.C1387	1865
5514	7590	07/18/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			SOBUTKA, PHILIP	
			ART UNIT	PAPER NUMBER
			2684	

DATE MAILED: 07/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/406,697

Applicant(s)

ISHIGURO ET AL.

Examiner

Philip J Sobutka

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 April 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3-6,9-12,15-18 and 21-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-6,9-12,15-18,21-29,31,33,35 and 37-40 is/are rejected.
- 7) ☒ Claim(s) 30,32,34 and 36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. Claims 3,9,15,21,25-28,37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al (US 5,666,159) in view of Virtanen (6,249,681).

Consider claims 3, and 21. Parulski teaches an intake means (fig 9, item 64) for taking in images from an image pickup device (fig 9, item 68); communication means for transmitting the images to a transmission destination (fig 9, item 66); and control means for stating an operation of the communication means in response to the image pickup operation of the image pickup device (fig 9, item 62, col 5, lines 1-5). Parulski lacks a teaching of the communication control breaking communications after a time period when the transmission of image data is completed. Virtanen teaches a data transmission system in which a communication link is broken a predetermined time after data transmission is completed (Virtanen see especially figs 3a-c, col 8, lines 19-65). It would have been obvious to one of ordinary skill in the art to modify Parulski to incorporate the inactivity timer as taught by Virtanen in order to ensure that communication resources were not occupied unnecessarily.

As to claim 9, note that Parulski teaches a manipulative device ((capture switch fig 4, item 20) for starting the operation of the image pickup and hence the communication device.

Consider claim 15. Parulski in view of Virtanen teaches everything claimed as shown above except for the method being stored on a computer readable media. Official notice is taken that it is notoriously well known in the art to store methods of

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operation on computer readable media. It would have been obvious to one of ordinary skill in the art to modify Parulski to store the method on a computer readable media in order to allow the control method to be easily loaded onto another device.

As to claims 25-28, Note that Parulski teaches the transmission destination being selected by a user from among plural transmission destination displayed on a display screen (Parulski see especially fig 6).

As to claims 37,38,39,40, note that Parulski's transmission is via radio (see fig 9).

2. Claims 29,31,33,35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski in view of Virtanen and in view of Cashman et al (US 6,826,400).

As to claims 29,31,33,35, Parulski in view of Virtanen as applied to claims 1, 7 and 19 respectively, teaches everything claimed except a teaching of the predetermined time period of the inactivity timer being set by a user. Cashman teaches the predetermined time period of an inactivity timer being set by a mobile end user (Cashman see especially col 2, lines 10-15, col 17, lines 60-65). It would have been obvious to one of ordinary skill in the art to modify Parulski in view of Virtanen to allow the user to set the inactivity timer in order to allow the device to be better set to individual requirements.

3. Claims 4-6,10-12,16-18, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski in view of Virtanen and in view of Hull et al (5,806,005).

As to claims 4-6, 10-12, and 22-24, Parulski in view of Virtanen as applied to claims 1, 7 and 19 respectively, teaches everything claimed except a teaching of detecting the state of the communication and storing the image data if the state is

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incommunicative and transmitting when the communication is active. Hull teaches an image transfer system with a detection function that determines the state of the communication link and stores the data until the link is available when it is then transferred (Hull col 2, lines 38-62). It would have been obvious to one of ordinary skill in the art to modify Parulski in view of Virtanen to use the detection and storage function of Hull in order to ensure that data was not lost via a faulty communication link.

As to claims 16-18, Parulski in view of Virtanen as applied to claim 13 teaches everything claimed except a teaching of detecting the state of the communication and storing the image data if the state is incommunicative and transmitting when the communication is active. Hull teaches an image transfer system with a detection function that determines the state of the communication link and stores the data until the link is available when it is then transferred (Hull col 2, lines 38-62). It would have been obvious to one of ordinary skill in the art to modify Parulski in view of Virtanen to use the detection and storage function of Hull in order to ensure that data was not lost via a faulty communication link.

***Allowable Subject Matter***

4. Claims 30, 32, 34, 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The nearest prior art as shown in Parulski and Virtanen fails to teach the system or method of claims 29,31,33,35, respectively, wherein setting the lapse of the

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predetermined time period is performed by selecting from among plural modes displayed on a display unit.

***Response to Amendment***

5. Applicant's arguments with respect to claims 3-6,9-12,15-18,21-28 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Sobutka whose telephone number is 571-272-7887. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882.

7. The current fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

On July 15, 2005, the Central FAX Number will change to **571-273-8300**. This new Central FAX Number is the result of relocating the Central FAX server to the Office's Alexandria, Virginia campus.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number. To give customers time to adjust to the new Central FAX Number, faxes sent to the old number (703-872-9306) will be routed to the new number until September 15, 2005.

After September 15, 2005, the old number will no longer be in service and **571-273-8300** will be the only facsimile number recognized for "centralized delivery".

**CENTRALIZED DELIVERY POLICY:** For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA

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22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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EDAN ORGAD  
PATENT EXAMINER/TELECOMM.

S.C. 7/10/05